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08-14-01

CPA/3764/1

PTO/SM/29 (1/98)

Approved for use through 09/30/2000. OMB 0651-0032
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#11



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

CHECK BOX, if applicable

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Attorney Docket No.

First Named Inventor

TURAK, et al

Examiner Name

RICHMAN, G

Group/Art Unit

3764

Express Mail Label No.

EL 919170965 US

This is a request for a X continuation or _____ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09 / 369,508, filed on 8/06/99, entitled Combination Swimming, Walking, Running, Massage, Therapeutic, and Recreational Device filed 8/06/99.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application can not be filed as a CPA under 35 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of this request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuatin-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. _____ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. _____ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. _____ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. _____ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. _____ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. _____ PTO-1449
 - b. _____ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/16/2001 TBESHAH1 00000002 09369508

01 FC:231
02 FC:197

355.00 OP
120.00 OP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))			x\$ _____ =	\$ _____
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (j))			x\$ _____ =	\$ _____
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+\$ _____	\$260.00
				BASIC FEE (37 C.F.R. § 1.16)	\$690.00
	Total of Above Calculations =				\$950.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).				X 1/2
	*Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.				\$475.00
	TOTAL =				\$475.00

6. Small entity status:
- a. _____ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. X A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. _____ Is no longer claimed.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. _____.
- a. _____ Fees required under 37 C.F.R. § 1.16.
- b. _____ Fees required under 37 C.F.R. § 1.17.
- c. _____ Fees required under 37 C.F.R. § 1.18.
8. A check in the amount of \$475.00 is enclosed.
9. New Attorney Docket Number, if desired _____
10. a. _____ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. _____ Return Receipt Postcard (should be specifically itemized, See MPEP 503)
11. Other: _____

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

_____ Customer number or Bar Code Label or _____ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)

Bruce J. Clark

Signature

Registration No. (Attorney/Agent)

31,339

Date

August 13, 2001

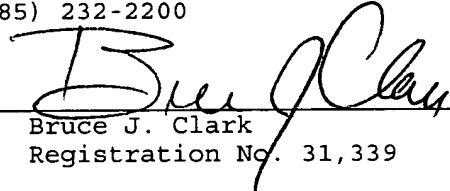
CERTIFICATE OF MAILING

I hereby certify that the CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL for Application No. 09/369,508 and a filing fee check in the amount of \$475.00 is being deposited with the United States Postal Service, mailed by "Express Mail" on this 13th day of August, 2001, pursuant to 37 CFR 1.53(d) addressed to the Assistant Commissioner for Patents, Box CPA, Washington, D.C. 20231, and in accordance therewith a filing date of August 13, 2001, is requested.

WRIGHT, HENSON, SOMERS, SEBELIUS,
CLARK & BAKER, LLP
Commerce Bank Building Downtown, 2nd Fl.
100 E. 9th St., P.O. Box 3555
Topeka, KS 66601-3555
(785) 232-2200

Date:

By


Bruce J. Clark

Registration No. 31,339



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOTICE OF PARTIAL FEE / FEE DUE

Date: 8/15/01
To: GP 3764 (CP#)
From: RAM Team, Office of Initial Patent Examination,
Subject: Fee Due
Application Number 09/369,508

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The attached document was submitted with an insufficient fee. The Office of Initial Patent Examination has posted the fee submitted to the suspended fee code, 197. Please check the application for the appropriate authorization to charge a deposit account. If present, delivery a copy of the authorization, this form and the applicants submission to the Office of Initial Patent Examination, RAM Team, CP2-6C12. If an authorization is not present, notify the applicant of the fee deficiency.

The correct fee, code: 204 amount \$ 135.00
The suspended fee code: 197 amount - \$ 120.00
Fee due amount = \$ 15.00

It is the Group's responsibility to collect the balance of the fee due and ensure that the total fee is posted to the correct fee code upon receipt of the balance due before providing the requested service.

Please direct any questions you may have to Joyce Gunter-Warren at 308-3616.